



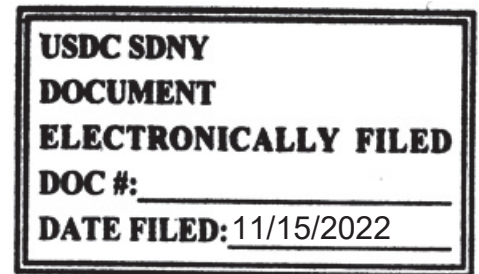
ROCKEFELLER CENTER
1270 AVENUE OF THE AMERICAS, 24TH FLOOR
NEW YORK, NY 10020
T 212.307.5500 F 212.307.5598 www.Venable.com

November 14, 2022

T 212.370.6289
F 212.307.5598
MBallard@Venable.com

VIA ECF

Judge Robert W. Lehrburger
500 Pearl Street, Room 18D
United States Courthouse
Southern District of New York
New York, New York 10007



Re: **Everytown for Gun Safety Action Fund, Inc. v. Defcad, Inc., et al., Case No. 21-cv-08704**

Dear Judge Lehrburger:

We write on behalf of Plaintiff Everytown for Gun Safety Action Fund, Inc. (“Everytown”), and Defendants Defcad, Inc., Odysee User xYeezySZN, Defcad User xYeezySZN, The Gatalog, Twitter User xYeezySZN, and Phillip Royster (together “Defendants”) to respectfully request an extension of the current case deadlines in the above captioned case.

Previously, the Parties sought an extension of the following case deadlines, which the Court granted. *See* ECF Nos. 137, and 138.

	Original Scheduling Order	Modified Deadline per ECF 138
Deadline to Complete Fact Depositions	September 15, 2022	November 14, 2022
Deadline to Complete Fact Discovery	September 15, 2022	November 14, 2022* *Extension for Requests for Admission only.
Deadline to Complete Expert Discovery	November 15, 2022	January 30, 2023



November 14, 2022

Page 2

Since the Parties previous request for an extension, they have continued to engage in settlement discussions under the auspices of the Southern District Court's Mediation Program in this matter that have the potential to resolve the dispute amongst the Parties. The Parties believe that good cause exists for an additional extension of the case deadlines as proposed below because an extension will allow them to continue to explore settlement without further burdening the Court.

	Current Deadlines per ECF 138	Proposed Deadlines
Deadline to Complete Fact Depositions	November 14, 2022	January 31, 2023
Deadline to Complete Fact Discovery	November 14, 2022* *Extension for Requests for Admission only.	January 31, 2023* *Extension for deadline to serve responses and objections to Requests for Admission only
Deadline to Complete Expert Discovery	January 30, 2023	March 31, 2023

Modifying the case deadlines as proposed above will not burden the Court given that a trial date has not yet been set in this matter.

Respectfully submitted,

/s/Marcella Ballard

Cc: Counsel of Record

Granted.

SO ORDERED:

11/15/2022

HON. ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE